

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS  
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL INC.,  
AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00475-ADA

**JURY TRIAL DEMANDED**

**DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

I, Brian A. Rosenthal, declare as follows:

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc., and EMC Corporation in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.

2. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt from the file history of U.S. Patent No. 7,453,888, specifically from a January 8, 2008 Final Rejection filed by the examiner. This excerpt was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on October 4, 2020.

3. Attached hereto as **Exhibit B** is a true and correct copy of U.S. Patent No. 6,678,241 ("Gai") which was cited in the file history of U.S. Patent No. 7,453,888. This patent was retrieved from Google Patents (<https://patents.google.com/patent/US6678241B1/>) on October 4, 2020.

4. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt from the file history of U.S. Patent No. 7,453,888, specifically from an June 9, 2008 Applicant Response After Final Action. This excerpt was retrieved from the United States Patent Office's website (<https://portal.uspto.gov/pair/PublicPair>) on October 4, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 5, 2020

/s/ Brian A. Rosenthal  
Brian A. Rosenthal